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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9

In the Matter of) ORDER
John M. Williams, Jr. D/B/A)
Williams Farms,) Docket No. 84-17
Respondent.)
Proceeding Under Section)
106(a) of the Comprehensive)
Environmental Response,)
Compensation and Liability Act)
of 1980 (42 U.S.C. §9606(a)))

I

JURISDICTION

The following Order is issued on this date to John M. Williams, Jr. D/B/A Williams Farms, Laveen, Arizona ("Respondent") pursuant to the authority vested in the President of the United States by §106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. §9601 et seq., delegated to the Administrator of the United States Environmental Protection Agency (EPA) by Executive Order Number 12316 (August 20, 1981, 46 FR 42237), and redelegated to the Regional Administrator, EPA, Region 9. Notice of the issuance of this Order has been given to the State of Arizona.

II

FINDINGS OF FACT

1. The site is a 12-acre area near 51st Avenue and Estrella Drive on the Gila River Indian Reservation near Laveen, Arizona that encompasses an abandoned pesticide applicator airstrip, residences for 19 people, and several areas identified as contaminated with pesticides.
2. The site is a facility as defined by CERCLA §101(9), 42 U.S.C. §9601(9).
3. Respondent leased and operated the site from 1962 to 1977. During this time, Respondent allowed pesticide applicators to use the site as a base of operations for aerial pesticide application.
4. On May 17, 1984, Charles Moses, Pesticide Control Officer, Gila River Indian Community, inspected the site in response to complaints from site residents regarding odors and health effects which they attributed to pesticide contamination of the area. Moses documented the following observations.
 - A. Strong odors, characteristic of pesticides, were present.
 - B. The soil within 30 feet of a residence was stained. The stains were indicative of pesticide spills.
 - C. In addition to the stained soil area, there was a pesticide container disposal area at the site that contained 50 to 100 empty 5 gallon cans. Product labels, still attached to several cans, specified Azodrin, Toxaphene, Methyl Parathion 6-3 E, Lannate L, DEF 6, Ambush, Bolstar 6, and Furadan.
5. During the inspection, Moses collected two soil samples: one

1 from the stained soil near the residence, and the other from
2 a pile of stained soil. The sample analysis results, reported
3 in parts per million (ppm), are listed below.

4	<u>Compound</u>	<u>Stained Soil</u>	<u>Stained Soil Pile</u>
5	methyl parathion	59.6	364
6	ethyl parathion	4086	1894
7	toxaphene	9100	7500
8	DEF	3.0	182

9 6. Methyl parathion, ethyl parathion, and toxaphene are hazardous
10 substances as defined by CERCLA §101(14), 42 U.S.C. §9601(14).

11 7. Ethyl parathion and methyl parathion are highly toxic compounds
12 capable of causing death or permanent injury due to exposures
13 associated with normal use. Parathion toxicity is high for
14 all major routes of entry: inhalation, ingestion, and dermal
15 contact. Experimental data show that parathions are teratogenic
16 and carcinogenic. Chronic exposure to parathions produces
17 dangerously low levels of cholinesterase, increasing an organism's
18 sensitivity to further low-level exposure.

19 8. Toxaphene is highly toxic when ingested, capable of causing
20 death through respiratory failure, and moderately toxic via
21 dermal contact or inhalation. Toxaphene causes diffuse stimu-
22 lation of the brain and spinal cord resulting in generalized
23 convulsions of a tonic or clonic character. Toxaphene is an
24 experimental carcinogen.

25 9. On July 27, 1984, EPA's Technical Assistance Team conducted a
26 preliminary assessment of the site. Based on this assessment
27 and the findings cited above, the Regional Administrator of
28 EPA Region IX determined on July 31 that the site presented

1 an immediate and significant risk of harm to human life, or
2 health, or to the environment and authorized spending \$102,411
3 of CERCLA funds to temporarily relocate site residents, assess
4 the nature and extent of the contamination, and clean the site.
5 EPA completed the relocation project on August 9.

6 III

7 DETERMINATION

8 Based upon the foregoing Findings of Fact, the Regional
9 Administrator has determined that hazardous substances have been
10 used at the facility and that the release of such substances from
11 the facility may present an imminent and substantial endangerment
12 to the public health or welfare or the environment.

13 The Regional Administrator has further determined that Respon-
14 dent is a past lessee and operator responsible for conducting the
15 actions ordered herein, which are necessary to abate the endanger-
16 ment to public health and the environment.

17 IV

18 ORDER

19 Based upon the foregoing Determination and Findings of Fact,
20 Respondent is ordered and directed, pursuant to §106(a) of CERCLA,
21 42 U.S.C. §9606 et seq., to (I) prepare and submit to EPA within
22 one week of receiving this Order a written proposal for work
23 ("Proposal") to characterize and mitigate the hazard posed by the
24 site and assume financial responsibility for the temporary housing
25 for relocated residents, and (II) implement the Proposal after
26 receiving EPA approval of same. The Proposal shall briefly
27 outline future work which shall be divided into two phases: site
28 characterization and site clean-up. The Proposal shall include

1 the following:

- 2 1. A Phase I plan for characterizing the nature and extent of
3 the contamination. This plan shall identify all areas to be
4 sampled, the approximate number of samples, the location and
5 depth of samples, and the sample analysis parameters. This
6 plan shall include off-site sampling to characterize back-
7 ground levels of the contaminants. This plan shall also
8 include a site safety plan and provisions for retaining,
9 identifying, maintaining and submitting to EPA upon request,
10 splits of all samples taken pursuant to this Order.
 - 11 2. A Phase II plan to clean up the site to background levels of
12 contamination as determined in Phase I. This plan shall
13 include a description of potential clean-up procedures and
14 monitoring mechanisms. This plan shall also include provi-
15 sions for satisfying all requirements for transporting and
16 disposing of hazardous substances in an authorized hazardous
17 waste disposal facility.
 - 18 3. Provisions for subsequent submittal of workplans describing
19 Phase I and Phase II work in detail.
 - 20 4. A schedule which identifies all submittal dates, review
21 periods, and implementation deadlines.
 - 22 5. Provisions for assuming financial responsibility for the
23 temporary housing for relocated residents.
- 24 All samples shall be collected, preserved, packaged, shipped,
25 handled, and prepared for analysis according to the protocols
26 specified by the EPA On-Scene Coordinator. All sample handling
27 shall be performed according to the chain of custody procedures
28 specified by the OSC. Any samples analyzed pursuant to this

1 Order shall be analyzed according to EPA-approved analytical
2 methods.

3 Respondent shall assume full responsibility for any claims
4 arising from the activities conducted by Respondent or his rep-
5 resentatives or consultants in connection with this Order.

6 Respondent shall provide access to the site for EPA employees,
7 contractors, or consultants at all reasonable times and shall
8 permit such persons to be present and move freely in the area
9 where any work is being conducted pursuant to this Order.

10 Robert Mullinaux of the EPA has been designated the On-Scene
11 Coordinator and has the authority vested by 40 CFR §300 et seq.,
12 published at 47 FR Part 31180 (July 16, 1982).

13 Respondent shall submit the Proposal to the EPA contact person
14 named below within seven calendar days of receipt of this Order.

15 V

16 OPPORTUNITY TO CONFER--EFFECTIVE DATE

17 Under the provisions of CERCLA, Respondent may request a
18 conference to be held at any time before submitting the Proposal
19 to discuss the Order, its applicability, the correctness of any
20 factual determinations upon which the Order is based, the appro-
21 priateness of any action which Respondent is ordered to take, and
22 any other relevant or material issue. Such request may be made
23 orally, but must be confirmed in writing. At any conference held
24 at Respondent's request, Respondent may appear in person, with
25 counsel or other representatives for the purpose of presenting
26 any objections, defenses or contentions which Respondent may have
27 regarding this Order.

28 This Order is effective immediately upon receipt of same by

1 Respondent.

2 VI

3 LIABILITY

4 If the OSC determines that Respondent is not complying with
5 the terms of this Order, or that Respondent is not proceeding
6 with work in a timely manner, or that Respondent's activities
7 pose an imminent and substantial endangerment to the public
8 health or welfare or the environment, the OSC may halt Respondent's
9 activities and initiate a federal clean-up of the facility.

10 Respondent may then be ordered to reimburse EPA for the costs of
11 such activity pursuant to §107(c) of CERCLA, 42 U.S.C. §9607(c).

12 Respondent is advised that willful violation or failure or
13 refusal to comply with this Order, or any portion hereof, may
14 subject Respondent to civil penalties of not more than \$5,000
15 for each day in which violation occurs or such failure to comply
16 continues, in accordance with §106(b) of CERCLA. Failure to
17 comply with this Order, or any portion hereof, without sufficient
18 cause, may also subject you to liability for punitive damages in
19 the amount of three times the total of all costs incurred by the
20 government as a result of your failure to take proper action in
21 accordance with §107(c) of CERCLA.

22 It is so ordered on this 10th day of August, 1984.

23 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

24
25 BY: John Wise

26 ^{for}
JUDITH E. AYRES
27 REGIONAL ADMINISTRATOR, REGION IX

28 ///

1 Contact person:

2 Stephen A. Johnson (T-4-2)
3 Environmental Protection Agency
4 215 Fremont Street
5 San Francisco, California 94105
6 Telephone: (415) 974-7512

After hours call the Duty
Officer at (415) 974-8131

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